

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARENCE ALDRED,

Petitioner,

Case No. 11-CV-14925

v.

HON. AVERN COHN

THOMAS BIRKETT,

Respondent.

/

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION (Doc. 5)

I.

This is a habeas case under 28 U.S.C. § 2254. On November 28, 2011, the Court summarily dismissed the petition on the ground that the claims raised in the petition—regarding the rescission of his parole—failed to state a claim upon which habeas relief could be granted. Doc. 4. Before the Court is Petitioner's motion for reconsideration. For the reasons that follow, the motion is **DENIED**.

II.

Motions for reconsideration are governed by E.D. Mich. LR 7.1(h) which provides in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3).

Petitioner fails to satisfy this standard. Petitioner indicates that his original

habeas petition was prepared by a fellow inmate, whom he alleges drafted the claims improperly. Petitioner asks to be permitted to file a corrected petition, which is attached to the motion for reconsideration and which Petitioner says would state a cognizable claim for habeas relief. Petitioner is mistaken. The Court has reviewed the claims that Petitioner intends to present in the corrected petition. They are essentially identical to the claims that raised in the original petition. As such, those claims also fail to state a claim for habeas relief, as explained in the order of summary dismissal. Because the motion for reconsideration and the corrected petition present the same issues previously ruled upon, Petitioner is unable to establish that he is entitled to have the court reconsider its previous decision to deny habeas relief.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 21, 2011

I hereby certify that a copy of the foregoing document was mailed to Clarence Aldred 159036, Pine River Correctional Facility, 320 N. Hubbard Street, St. Louis, MI 48880 on this date, December 21, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160